IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11510 of 2002

For Approval and Signature:

HON'BLE MR.JUSTICE JAYANT PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

HALVAD NAGAR PALIKA

Versus

SURENDRANAGAR JILLA MAZDOOR SANGH

Appearance:

1. Special Civil Application No. 11510 of 2002

M/S.VYAS ASSOCIATES for Petitioner No. 1

MR KR KOSHTI for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE JAYANT PATEL

Date of decision: 06/02/2004

ORAL JUDGEMENT

1. The present petition is preferred by the petitioner challenging the legality and validity of the

award dated 12-8-2002 passed by the Labour Court, Surendranagar in Reference (LCD) No.8/1993.

2. Mr.Koshti, learned Counsel appearing for the respondent, at the outset, submitted inter alia that for challenging the legality and validity of the very award, Special Civil Application No.12514/2002 was preferred with Special Civil Application No.533/2003. He states that the Coordinate Bench of this Court (Coram: Ms.R.M.Doshit, J.) as per the order dated 13-8-2003 has dismissed the petition preferred by the concerned workmen of the respondent herein Union. He also submitted that the aforesaid decision was rendered by the Coordinate Bench of this Court on 13-8-2003 and at the relevant point of time, the petitioner herein who was respondent No.1 and 2 in the said petitions namely; Halvad Nagar Palika did not point out the aforesaid aspect before the learned Single Judge. He submitted that in any event in view of the decision of the Coordinate Bench of this Court dated 13-8-2003 passed in SCA No.12514/2002, the present petition also deserves to be dismissed. Mr.Koshti, however, submitted that the petitioners of SCA No.12514/2002 have preferred LPA before the Division Bench against the decision dated 13-8-2003 and the LPA is admitted and is pending.

3. In above view of the matter, when the Coordinate Bench of this Court (Coram: Ms.R.M.Doshit, J.) as per the order dated 13-8-2003 in SCA No.12514/2002 has dismissed the petition and has not interfered with the award passed by the Labour Court, and the aforesaid order was passed after hearing Halvad Nagar Palika, who is petitioner herein, the rights of the petitioner can be said as concluded by the order dated 13-8-2003 in SCA No.12514/2002.

4. Hence, the present petition also deserves to be dismissed by observing that the rights of the parties shall stand governed by the decision dated 13-8-2003 passed by this Court (Coram: Ms.R.M.Doshit, J.) in SCA No.12514/2002 unless and otherwise modified or reversed in the above referred LPA which is pending.

5. This petition is, therefore, dismissed. Rule discharged.

6-2-2004 (Jayant Patel, J.)

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